

### What does H.645 do?

- Codifies pre-charge diversion for both juveniles and adults; retains current diversion programs and designates them as post-charge diversion
  - AGO administers pre-charge diversion, as it currently does for post-charge diversion
  - Does not affect other referrals from law enforcement
- Shifts grant authority for pre-charge diversion providers from DOC to AGO
  - Pre-requisite to receive AGO funding is the adoption of a pre-charge diversion policy by local State's Attorney
  - AGO designates a single municipality or entity to receive funds; may also permit the designated entity to subgrant or subcontract with other county providers
- State's Attorneys have discretion to adopt pre-charge policy
  - If adopted, pre-charge diversion providers can accept referrals from prosecutor or law enforcement
  - State's Attorneys retain final discretion over the people and crimes that are contained in the policy
- Clarifies the rights and responsibilities of diversion participants and victims
  - Manual created to be used by providers and others
  - Participants are offered public defender at no cost
  - Victims are notified of their diversion role and right to certain information about participant
- Creates record deletion for pre-charge diversion (akin to expungement for current diversion program)
  - All records deleted after two-years elapse from successful diversion completion
  - Law enforcement and prosecutor are permitted to retain Valcour database information and other similar private data
- Codifies data collection from providers to be reported annually by AGO in consultation with other agencies
- Creates working group to examine creation of Post-Adjudication Reparative Program
  - Objective is to provide access to appropriate community-based service providers for people sentenced to reparative boards or probation
  - Working Group also studies establishing a stable and reliable funding structure to support providers
- AGO is charged with collaborating with providers and State's Attorneys to develop a plan to streamline the administration and provision of programs
  - This is intended to explore stabilizing funding, among other things
- AGO is charged with collaborating with police organization and ORE to explore funding "community referrals"
- Redesignates the Community Justice Center laws from title 24 to title 28
- Creates new AGO position to help administer diversion programs

### **What does H.645 not do?**

- State's Attorneys are not required to adopt pre-charge policies.
  - Failure to adopt policy will prevent providers from receiving AGO grant funding
  - Failure to adopt policy will prevent providers from accepting pre-charge referrals as defined in this bill
- This bill does not prevent justice providers from accepting community/school referrals or post-charge referrals (other than what is in current law)
- This bill does not create a stable funding source long-term; it puts in place initiatives to examine what those funding streams could be, in collaboration with prosecutors and providers
  - It does not specify dollar amounts and does not source funds from a particular fund
  - Shift from DOC to AGO is necessary because discussions indicate that DOC will end provider funding next fiscal year